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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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08/15/2000

Miyuki Fujita

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05/24/2004

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NEW YORK, NY 10112

EXAMINER

NOLAN JR, CHARLES H

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Response to Amendment

1. The reply filed on 2-17-04 is not fully responsive to the prior Office Action because: Applicant has not complied with the requirement of the sworn English translation of the priority documents. In the Office Action mailed 10-14-03, The Examiner required an English translation in accordance with 37 C.F.R. 1.55. Compliance with 37 C.F.R. 1.55 is not optional when the Examiner requests a sworn English translation. Particularly, 37 C.F.R. 1.55(4) states "[a]n English language translation of a non-English language foreign application is not required **except** when the application is involved in an interference (§ 1.630), when necessary to overcome the date of a reference relied upon by the examiner, **or when specifically required by the examiner**. If an English language translation is required, it must be filed together with a statement that the translation of the certified copy is accurate." 37 C.F.R. 1.55(4). [Emphasis added]. The Examiner specifically required the English translation of the priority document on page 3 of the Office Action where he stated " [a]n unavoidably necessary part of the next response to this Office Action is a sworn English translation of the foreign priority papers." Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE

(5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles H Nolan, Jr. whose telephone number is 571-272-2171. The examiner can normally be reached on Monday through Thursday 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on 571-272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles H Nolan Jr

Charles H Nolan, Jr.
Primary Examiner
Art Unit 2854

CHN